

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-10991-NG

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| _____ |) |
| KENNETH M. WHITE and |) |
| MANDY DIAS, |) |
| Plaintiffs |) |
| |) |
| vs. |) |
| |) |
| ERIC MADONNA and CITY OF |) |
| FALL RIVER, |) |
| Defendants |) |
| _____ |) |

MOTION TO COMPEL PRODUCTION OF DOCUMENTS

Defendants move for an order compelling Plaintiff Mandy Dias to produce the documents requested in the Defendants' Request for Production of Documents within 10 days of this Court's ruling.

On October 19, 2006, Defendants served their first Request for Production of Documents upon the Plaintiff Mandy Dias.

Plaintiff Mandy Dias has yet to respond to Defendants' requests.

Defendants' Certificate pursuant to Local Rule 37.1 is attached

For this reason, Defendants' Motion should be allowed.

Respectfully submitted,
Defendants, Eric Madonna and
The City of Fall River,
By their Attorney,

/s/ Gary P. Howayeck
Gary P. Howayeck, Esq.
209 Bedford Street, Ste. 402
Fall River, MA 02720
BBO# 630053
(508) 676-6666 Phone
(508) 674-3610 Fax

July 3, 2007

LOCAL RULE 37.1 CERTIFICATE OF COMPLIANCE

I, GARY P. HOWAYECK, hereby certify that, pursuant to Local Rule 37.1, I wrote several formal letters to Attorney Brian Corey, attorney for Plaintiff Mandy Dias, on January 18, 2007, April 19, 2007 and other correspondence, in a good faith effort to resolve the issues with respect to Defendant's discovery requests. At a scheduling conference on March 13, 2007 Attorney Brian Corey made representations to the Clerk of his knowledge that said items were outstanding and noted that discovery would be forthcoming by the end of March 2007. This was not done. Further I have sent many emails and made phone calls which were acknowledged by Attorney Brian Corey but to date such discovery is still outstanding.

Respectfully Submitted,
Defendants Eric Madonna and
The City of Fall River,
By their Attorney,

/s/ Gary P. Howayeck
Gary P. Howayeck, Esq.
209 Bedford Street, Ste. 402
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(508) 674-3610 Fax

Tuesday, July 03, 2007

CERTIFICATE OF SERVICE

I, Gary P. Howayeck, do hereby certify that I served the following documents upon: Brian Corey, Esquire, 1041 Main Street, Fall River, MA 02720, James Hodgson, Esquire, P.O. Box 952, 32 William Street, New Bedford, MA 02741, Philip N. Beauregard, Esq. P.O. Box 952, 32 William Street, New Bedford, MA 02741, via first class mail, postage prepaid, on this 3rd day of July, 2007 and I also certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) on this 3 day of July, 2007.

1. Motion to Compel Answers to Interrogatories from Plaintiff, Mandy Dias;
2. Motion to Compel Production of Documents from Plaintiff, Mandy Dias;
3. Local Rule 37.1 Certificate of Compliance.

/s/ Gary P. Howayeck
Gary P. Howayeck, Esq

Tuesday, July 03, 2007